

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 7, 8 and 10-22 are pending. Claims 5-6, 9, and 23-24 have been canceled without prejudice and disclaimer of subject matter. Claim 14, which is independent, is amended in this paper. Support for this amendment is provided throughout the Specification.

No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. OBJECTIONS**

Claims 14-22 were objected to.

Claim 14 is hereby amended, thereby obviating the objections.

### **III. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-4, 7, 8, 12-19, and 22 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 7,072,856 to Nachom ("Nachom") in view of Cascading Windows: Definition from Answers.com (hereinafter, merely "Windows").

Claims 10, 11, 20, and 21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nachom in view of Windows and further in view of U.S. Patent No. 5,721,827 to Logan et al. (hereinafter merely “Logan”).

#### IV. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

**“...extracting feature points from the first image data according to luminance and color of the first image data; and**

**...wherein the prescribed area in the first image data is determined based on the feature points of the first image data and a usage of the one or more products.”** (emphasis added)

The Office Action (see page 5) concedes that Nachom fails to disclose or suggest the above-identified features of claim 1 and relies on Windows to reject extracting feature points from the first image data according to luminance and color of the first image data, as recited in claim 1. Specifically, the Office Action states “such a determination must inherently be made upon the luminance and the color”.

Applicants that Windows merely describes the concept of “cascading windows” and does not disclose or suggest any method to implement the concept. The Office Action’s conclusion that Windows inherently uses luminance and color to implement the concept is based on speculation.

Applicants further submit that Nachom, Windows, and Logan, taken either alone or in combination, fail to disclose or suggest “wherein the prescribed area in the first image data is determined based on the feature points of the first image data and a usage of the one or more products,” as recited in claim 1.

Therefore, for at least the above discussed reasons, claim 1 is patentable.

Since claim 14 is similar, or somewhat similar, in scope to claim 1, claim 14 is patentable for similar, or somewhat similar, reasons.

## **V. DEPENDENT CLAIMS**

Since the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

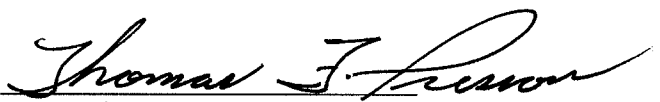
## **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800